

PATENT  
10/059,086**D. REMARKS***Specification*

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

*Interview Summary*

On December 6, 2004 at 2:00 PM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiner Zhou. No exhibits were shown, nor demonstrations conducted.

First, Applicants' representative and the Examiner discussed claim 1, and in particular a proposed amendment to claim 1. Specifically, the prior art cited against claim 1 is Andrew et al. (U.S. Patent 6,633,310). Applicants' representative argued that Andrew et al. only describes outputting a sound when a window changes from translucent to opaque. The proposed amendment teaches that a "graphical transparency characteristic aid" that "displays a percentage indicating the monitored transparency" of a displayable object. Thus, the present invention alerts to change in transparency and alerts with a current transparency percentage. The Examiner responded that the amendment would overcome the prior art, but that a further search would be required of graphical transparency alerts. No agreement was reached with respect to claim 1. Applicant is filing this response for further review by the Examiner.

*35 USC § 102(e)*

Claims 1-2, 4-8, 10-14, and 16-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Andrew et al. (US Patent 6,633,310) (hereinafter referred to as Andrew). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158

AUS920010519US1

12

PATENT  
10/059,086

USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Applicants request allowance of claims 1-2, 4-8, 10-14, and 16-18 in view of the amendments and arguments hereafter.

**Claims 1, 7, and 13**

With respect to claims 1, 7, and 13, the Examiner cites Andrew as teaching the method, system and program of claims 1, 7, and 13, respectively. [Office Action, p. 2] In particular, amended claim 1 currently reads:

1.(Currently Amended) A method for displaying characteristic aids in a display area, said method comprising the steps of:

displaying a user interface comprising at least one displayable object within a display area controlled by a computer system;

monitoring a transparency associated with said at least one displayable object; and

responsive to an initiating event, placing a graphical transparency characteristic aid [comprising] displaying a percentage indicating said monitored transparency of said at least one displayable object within said display area, such that said at least one displayable object is not obscured by said graphical transparency characteristic aid.

In the rejection to claim 1, the Examiner cites Andrew as teaching the element of “responsive to an initiating event, placing a transparency characteristic aid comprising the monitored transparency of the at least one displayable object within the display area, such that the at least one displayable object is not obscured by the transparency characteristic aid” at col.

AUS920010519US1

13

PATENT  
10/059,086

1, lines 62-67 through col. 2, lines 1-3 and col. 7 lines 26-35. [Office Action, p. 3] In particular, the Examiner refers to col. 1, lines 62-67 through col. 2, lines 1-3 and col. 7 lines 26-35 as teaching “responsive to the user positioning the pointer over an element, the element changes transparency from being translucent to opaque and correspondingly, a characteristic aid, or sound can be played in conjunction with the element changing transparency level from being translucent to opaque.” [Office Action, p. 3]

Applicants respectfully propose that Andrew, at most, teaches outputting a sound when a window changes from being translucent to opaque. Andrew does not teach displaying an actual number indicating the monitored transparency percentage in a graphical window. In contrast, claim 1 is amended to teach “placing a graphical transparency characteristic aid displaying a percentage indicating said monitored transparency of said at least one displayable object within said display area, such that said at least one displayable object is not obscured by said graphical transparency characteristic aid.” Thus, because Andrew only teaches alerting through a sound that a transparency has changed and only teaches alerting when a window changes from translucent to opaque, but not indicating a percentage of transparency, Applicants respectfully assert that Andrew does not teach each and every element of amended claim 1. Therefore, Applicants respectfully request allowance of amended claim 1 and parallel amended system and program claims 7 and 13.

**Claims 2, 4-6, 8, 10-12, 14, and 16-18**

Claims 2, 4-6, 8, 10-12, 14, and 16-18 are dependent on independent claims 1, 7, and 13. Claims 1, 7, and 13 are amended for allowance. Thus, Applicants first note that claims 2, 4-6, 8, 10-12, 14, and 16-18 are dependent upon an allowable independent claim and request allowance of these dependent claims. In addition, Applicants note that claims 5, 6, 11, 12, 14, 17, and 18 are amended to maintain antecedent basis in view of the amendments to claims 1, 7, and 13.

AUS920010519US1

14

PATENT  
10/059,086

*35 USC § 103(a)*

Applicants note the responsibility under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made. Applicants note that all claims are commonly owned.

**Claims 3, 9, and 15**

Claims 3, 9, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Andrew in view of Kamiwada et al. (US Patent Number 6,741,266) (hereinafter referred to as Kamiwada). Applicants first note that claims 3, 9, and 15 are dependent on base claims 1, 7, and 13 which are amended for allowance, and therefore claims 3, 9, and 15 should be allowed as dependent claims of allowable independent claims. Second, Applicants note that the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not provide a prima facie case of obviousness for claims 3, 9, and 15, the rejection should be withdrawn and the claims should be allowed.

The Examiner notes that Andrew fails to teach the elements of claim 3, but that Kamiwada does. Claim 3 currently reads:

3.(Currently Amended) The method for displaying characteristic aids in accordance with claim 1, said method further comprising the steps of:

determining a graphical output format for said graphical transparency characteristic aid;

adjusting a transparency of said graphical transparency characteristic aid according to user transparency preferences;

determining a display position for said graphical transparency characteristic aid; and

AUS920010519US1

15

PATENT  
10/059,086

adjusting said transparency of said graphical transparency characteristic aid according to said display position.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Applicants respectfully assert that the Examiner does not establish prima facie obviousness for claims 1 for the following reasons.

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner cites Kamiwada teaches the element of “adjusting the transparency of the transparency characteristic aid according to the display position” at col. 2, lines 51-58. [Office Action, p. 5] In particular, the Examiner cites col. 2, lines 51-58 as teaching “adjusting the transparency of the graphical user interface component based on the position detected.” [Office Action, p. 5] Col. 2, lines 51-58 read: “The graphic user interface display comprises a display-indication determining unit determining whether display indication is inputted, a position detecting unit detecting a position of a pointer on the picture, and a processing unit adjusting a transparency of the graphic user interface based on the position detected by the position detecting unit so as to display the graphic user interface.”

The Examiner equates col. 2, lines 51-58 as teaching “adjusting the transparency of the graphical user interface component based on the position detected”. Col. 2, lines 51-58, however, actually teaches adjusting the transparency of the graphical user interface component based on the position detected of a “pointer on the page”. Col. 2, lines 51-58 do not teach adjusting the transparency of a graphical user interface component based on the position of that graphical user interface component, where the graphical user interface component is a transparency characteristic aid. As taught by claim 1, a transparency characteristic aid “comprises said monitored transparency of said at least one displayable object within said display area”. Thus, a pointer, which is merely used as a positioning tool, does not teach the monitored transparency of a displayable object. Therefore, because Kamiwada does not teach the element of “adjusting the transparency of the transparency characteristic aid according to the

AUS920010519US1

16

PATENT  
10/059,086

display position”, but merely teaches adjusting the transparency of an object based on the position of a pointer, Kamiwada does not teach each and every element of claim 3 and claim 3 should be allowed. In addition, claims 9 and 15 are rejected for the same reasons as claim 3 and should be allowed for the same reasons as claim 3.

Applicants note that claims 3, 9, and 15 are amended to maintain antecedent basis in view of the amendments to claims 1, 7, and 13.

AUS920010519US1

17

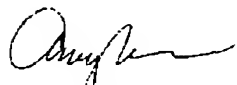
PATENT  
10/059,086

*Conclusion*

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

 wv 12/8/04  
Amy J. Patillo  
Attorney for Applicants  
Registration No. 46,983  
P.O. Box 161327  
Austin, TX 78746  
512.402.9820 (phone)  
512.306.0417 (fax)

AUS920010519US1

18